

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN F. CONNOLLY, CLERK  
BY:  
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UNITED STATES OF AMERICA, )      Criminal Action No. 1:04-cr-00067-1  
                                )  
                                )  
v.                            )      2255 ORDER  
                                )  
CECIL E. WAMPLER, JR.,    )      By: Hon. James C. Turk  
Defendant.                 )      Senior United States District Judge

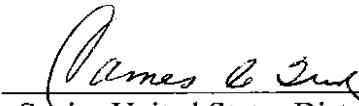
In accordance with the written memorandum opinion entered this day, it is hereby

**ORDERED**

that the defendant's motion to withdraw guilty plea (docket #141) is **CONSTRUED** as a motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255; the Clerk **DOCKET** the defendant's motion to withdraw guilty plea as a § 2255 motion; the defendant's § 2255 motion is **DISMISSED** as successive; and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the defendant and counsel of record for the United States.

ENTER: This 19<sup>th</sup> day of February, 2009.

  
\_\_\_\_\_  
Senior United States District Judge